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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,363	10/22/2003	William E. Donze	921498-96572	4950
7590	03/18/2005		EXAMINER	
BARNES & THORNBURG P.O. Box 2786 Chicago, IL 60690-2786			LAVINDER, JACK W	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/691,363	DONZE, WILLIAM E.
<b>Examiner</b>	<b>Art Unit</b>	
	Jack W. Lavinder	3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 December 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-29 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 6, 7, 9, 11, 13-15, are rejected under 35 U.S.C. 102(b) as being anticipated by Tomkins, 2614834.

Regarding claims 1, 9, Tomkins discloses a spring clip device for absorbing a sudden load placed upon a lead (column 1, lines 4-13) comprising

- a clip member (27)
- a swivel (26 or 28) pivotally connected to the clip member
- a housing (12) pivotally connected to the swivel
- a sleeve member (11) connected to a lead (26) and adapted to telescopingly engage the housing
- a resilient member (13) within the housing and adapted to bias the sleeve into the housing

wherein the clip member's entranceway remains in a closed position and the sleeve member is drawn outwardly from the housing when a sudden load is placed upon the lead.

Regarding claims 3, 11, Tomkins discloses a sleeve member (11) capable of attachment to a cable. Tomkins discloses that the sleeve member is attached to a flat

leash type cable member (26). Tomkins's sleeve member is capable of being attached to a cable with an intermediate linking member that attaches to one end of the sleeve member and the other end to the cable. All that is required of the limitation is that the sleeve member be adapted for attachment to a cable. Tomkins's sleeve member is adapted for this type of attachment.

Regarding claims 5, 13, Tomkins discloses a housing having first end (15) spaced and a spaced apart second end (16).

Regarding claims 6, 14, Tomkins discloses a housing having a plurality of ribs (14) interconnecting the first end to the second end.

Regarding claims 7, 15, Tomkins discloses a flange, i.e., top or bottom edge of slots 21 or flanges 22, adapted to retain the resilient member (13, col. 2, lines 51-end, col. 3, lines 1-8).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomkins in view of Donze, 6530345.

Regarding claims 2, 10, Tomkins is applied as set forth in the previous section. Tomkins discloses a pivoting-type clip member (27) for connecting to a dog's collar.

However, Tomkins fails to disclose a clip member being associated with a slide pin to close the entranceway of the clip.

Donze discloses a slide pin (40) for closing the entranceway of a clip member (30) for attaching to a dog's collar. The clip member performs Tomkins's identical function of removably connecting the leash/lead to the dog's collar. Furthermore, the specification fails to disclose any criticality of using a sliding pin clip member over other types of clip members.

It would have been an obvious alternative design choice to a person having ordinary skill in the art to use the sliding pin clip member in place of the pivoting jaw-type clip member since they both perform the identical function of being removably attached to a dog's collar.

5. Claims 4, 8, 12, 16, 17, 19-24, 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomkins in view of Fields, 865094.

Regarding claims 4, 12, 17, 19, 20, 24 and 26, Tomkins is applied as set forth in section 2. Tomkins further discloses a housing member (12) adapted for allowing a sleeve member (11) to move within, but fails to disclose the sleeve member passing through the aperture.

Fields discloses a shock absorber spring clip device (figure 2) having a housing member (E') having an aperture (bottom of E' in figure 2) for allowing the sleeve member (E) to pass therethrough when subject to sudden shocks or impacts. This type of shock absorber performs Tomkins's identical function of preventing shocks and impacts from reaching the animal. It is considered to be an alternative shock absorber

design, which performs the function equally as well as Tomkins's device. Also, the specification fails to disclose any criticality associated with the aperture type design.

It would have been obvious design choice to a person having ordinary skill in the art to have choose either one of the shock absorbers for reducing shocks and impact forces on the animal since they both perform the function equally as well as the other and the specification fails to disclose any criticality associated with the aperture type design.

Regarding claims 8, 16, Fields discloses a flange at the top of the sleeve (E) for engaging the resilient member (H, figure 2) and a surface or flange (bottom of housing E') on the housing (E') for engaging the other end of the resilient member.

Regarding claims 21 and 27, Tomkins discloses a housing having first end (15) spaced and a spaced apart second end (16).

Regarding claims 22 and 28, Tomkins discloses a housing having a plurality of ribs (14) interconnecting the first end to the second end.

Regarding claims 23 and 29, Tomkins discloses a flange, i.e., top or bottom edge of slots 21 or flanges 22, adapted to retain the resilient member (13, col. 2, lines 51-end, col. 3, lines 1-8).

6. Claims 18, 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomkins in view of Fields, as applied previously, and further in view of Donze.

Regarding claims 18, 25, Tomkins discloses a pivoting-type clip member (27) for connecting to a dog's collar. However, Tomkins fails to disclose a clip member being associated with a slide pin to close the entranceway of the clip.

Donze discloses a slide pin (40) for closing the entranceway of a clip member (30) for attaching to a dog's collar. The clip member performs Tomkins's identical function of removably connecting the leash/lead to the dog's collar. Furthermore, the specification fails to disclose any criticality of using a sliding pin clip member over other types of clip members.

It would have been an obvious alternative design choice to a person having ordinary skill in the art to use the sliding pin clip member in place of the pivoting jaw-type clip member since they both perform the identical function of being removably attached to a dog's collar.

***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

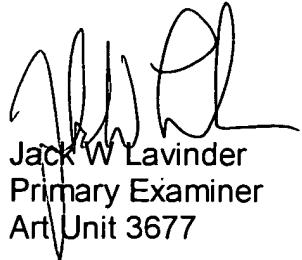
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 703-308-3421. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W Lavinder  
Primary Examiner  
Art Unit 3677

3/14/05